

**PENDING CLAIMS AS AMENDED**

Please amend the claims as follows:

1. (Previously Presented) A method for communicating data rate control information comprising:

determining a state of a data connection between a mobile station and a base station;

gating transmissions of data rate control information on a data rate control channel, from said mobile station to said base station, based on said determined state; and

determining a transition of said determined state from a busy open state to an idle open state, and after the transition from said busy open state to said idle open state, said gating transmissions ceases transmission of data rate control information on said data rate control channel from said mobile station to said base station.

2 - 3 (Canceled)

4. (Original) The method as recited in claim 1 wherein said determined state is a busy open state.

5. (Original) The method as recited in claim 4 wherein said gating allows transmission of data rate information on said data rate control channel.

6. (Original) The method as recited in claim 1 further comprising:  
determining a transition of said determined state from an idle open state to a busy open state, wherein said gating in response allows transmission of data rate information on said data rate control channel.

7. (Canceled)

8. (Canceled)

9. (Canceled)

10 - 14 (Canceled)

15. (Previously Presented) A processor for controlling communication of data rate control information comprising:

means for determining a state of a data connection between a mobile station and a base station;

means for gating transmissions of data rate control information on a data rate control channel, from said mobile station to said base station, based on said determined state; and

means for determining a transition of said determined state from a busy open state to an idle open state, wherein after the transition, said means for gating transmissions ceases transmission of data rate control information on said data rate control channel from said mobile station to said base station.

16. (Previously Presented) The processor as recited in claim 15 further comprising:

means for determining a transition of said determined state from an idle open state to a busy open state, wherein said gating in response allows transmission of data rate information on said data rate control channel.

17 -21 (Canceled)

22. (Previously Presented) A wireless mobile station comprising:

a gate configured to receive data rate control information; and

a gate controller configured to control the gate,

wherein the gate controller allows transmission of data rate control information, through the gate, on a data rate control channel from the mobile station during a busy open state and after transitioning from the busy open state to an idle open state, ceases transmission of data rate control information from the mobile station.

23. (Previously Presented) The wireless mobile station of claim 22, comprising:

an encoder for encoding the data rate control information to produce encoded data rate control information.